

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KENYON DARRELL BROWN,
Plaintiff,
v.
CDCR DIRECTOR, et al.,
Defendants.

Case No. 1:21-cv-01186-NONE-SKO (PC)

**ORDER DENYING MOTION FOR RELIEF
FROM FILING FEE PAYMENTS**

(Doc. 10)

Plaintiff Kenyon Darrell Brown is a state prisoner proceeding *pro se* and *in forma pauperis* in this action. On October 21, 2021, Plaintiff filed a motion requesting that the filing fee for this action be waived, and that the California Department of Corrections and Rehabilitation stop deducting filing-fee payments from his inmate trust account. (Doc. 10.)

Prisoners proceeding *in forma pauperis* are “required to pay the full amount of a filing fee” of any civil action they initiate. 28 U.S.C. § 1915(b)(1). The *in forma pauperis* statute provides that prisoners “*shall* be required to pay the full amount of a filing fee,” and the “court *shall* assess and … collect … an initial partial filing fee of 20 percent” of the average monthly deposits or average monthly balance in the prisoner’s trust account. 28 U.S.C. § 1915(b)(1) (emphasis added). Additionally, “the prisoner *shall* be required to make monthly payments of 20 percent of the preceding month’s income.” *Id.* § 1915(b)(2) (emphasis added).

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1 Thus, according to the statute, the Court does not have discretion to waive the filing fee.
2 The filing fee obligation and payment amounts are mandatory. *See, e.g., Soares v. Paramo*, No.
3 3:13-cv-02971-BTM-RBB, 2018 WL 5962728, at *2 (S.D. Cal. 2018); *Cartwright v. Sparks*, No.
4 1:94-cv-06044-AWI, 2012 WL 394175, at *1 (E.D. Cal. 2012); *Adams v. Maricopa Cty. Sheriff's*
5 *Office*, No. 2:10-cv-01558-PHX-RCB, 2010 WL 4269528, at *1-2 (D. Ariz. 2010). Accordingly,
6 Plaintiff's motion is DENIED.

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8 IT IS SO ORDERED.

9 Dated: October 22, 2021

/s/ Sheila K. Oberto
10 UNITED STATES MAGISTRATE JUDGE

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